

TELEFACSIMILE LETTER
FROM
PENNIE AND EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036
Telephone Number (212) 790-9090
Fax Nos.: (212) 869-9741/8864

TO: Attn: Licensing and Review
United States Patent and Trademark Office
Washington, D.C. 20231

Attention: **PLEASE DELIVER TO MS. JETER**

FAX NO.: 1-703-306-4196 FROM: GERALDINE F. BALDWIN, ESQ.

PAGES: 21 + Cover Sheet DATE: March 8, 2000

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(212) 790-2296.

Application of: Taylor et al.

Application No.: 09/392,500

Group Art Unit: 1635

Filed: September 9, 1999

Examiner: To Be Assigned

For: ANTIBODIES TO A TUMOR-
ASSOCIATED SURFACE ANTIGEN
FOR DELIVERY OF DIAGNOSTIC
AND THERAPEUTIC AGENTS

Attorney Docket No.: 9426-019

Transmitted herewith please find, for filing:

1. Communication Regarding the Requirement for Statement Under §152 of the Atomic Energy Act; and
2. Exhibits A, B and C.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on March 8, 2000 to facsimile telephone number (703) 306-4196.

Geraldine F. Baldwin

Geraldine F. Baldwin 51,232

(Reg. No.)

NY2 - 1059931.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Taylor et al.

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For: ANTIBODIES TO A
TUMOR-ASSOCIATES SURFACE
ANTIGEN FOR DELIVERY OF
DIAGNOSTIC AND
THERAPEUTIC AGENTS

Attorney Docket No.: 9426-019

**COMMUNICATION REGARDING THE REQUIREMENT
FOR STATEMENT UNDER §152 OF THE ATOMIC ENERGY ACT**Attn: Licensing and Review
The Assistant Commissioner for Patents and Trademarks
Washington, D.C. 20231

Sir:

Regarding the Requirement for Statement Under §152 of the Atomic Energy Act mailed March 2, 2000 (attached hereto as Exhibit A), please consider the remarks below.

On December 13, 1999, the United States Patent and Trademark Office mailed a Notice Concerning Property Rights ("Notice") in connection with the above-identified application. The time for response was set to expire 45 days from the date of the Notice. In response to this Notice, Applicants' representatives timely filed the following documents in the United States Patent and Trademark Office on January 26, 2000:

- (1) a Response to the Notice Concerning Property Rights;
- (2) 3 Property Rights Statements;

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on March 8, 2000 to facsimile telephone number (703)306-4196.


Geraldine F. Baldwin

31,232

(Reg. No.)

- (3) a copy of the Notice dated December 13, 1999; and
- (4) a yellow postcard ("Post-Card Receipt"), which on one side had an itemized list of the papers mailed on January 26, 2000, and Express Mail Label No. EM 061 022 185 US.

A copy of these documents is attached hereto as Exhibit B.

Further, in support of this assertion, enclosed is a copy of the Post-Card Receipt which was returned to Applicants' representatives stamped received by the United States Patent and Trademark Office on January 26, 2000, evidencing receipt by the United States Patent and Trademark Office of the listed documents. A copy is attached as Exhibit C. Also in support of this assertion, enclosed is a copy of the Express Mail Label dated January 26, 2000 (Exhibit C), indicating that the response was deposited with the United States Postal Service on that date, using the "Express Mail Post Office to Addressee" service under Express Mail No. EM 061 022 185 US.


In view of the fact that a Response to the Notice dated December 13, 1999 was timely filed and received by the United States Patent and Trademark Office (Exhibits B and C), a response to the Requirement for Statement Under §152 of the Atomic Energy Act mailed March 2, 2000 is estimated to be unnecessary.

Entry of the foregoing remarks is respectfully requested.

It is estimated that no fee is required for filing this Communication. However, should the Patent Office determine otherwise, please charge the necessary fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date March 8, 2000


Geraldine F. Baldwin (Reg. No.) 31,232
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure

EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/392.500 J	09/09/99	TAYLOR	R 9426-019

020583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

PM51/0302

EXAMINER

ART UNIT	PAPER NO.
1635	

DATE MAILED:

03/02/00

Response (Atomic Energy Act) 4/1/00 WT

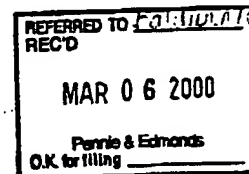
REQUIREMENT FOR STATEMENT UNDER §152 OF THE ATOMIC ENERGY ACT

The subject matter of this application is considered "useful in the production or utilization of special nuclear material or atomic energy."

No patent for any invention "useful in the production or utilization of special nuclear material or atomic energy" may issue unless the applicant files a statement **WITHIN THIRTY DAYS** from request thereof by the Commissioner of Patents & Trademarks setting forth the full facts surrounding the making or conception of the invention described in the application and whether the invention or discovery was made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Energy Research and Development Administration or the Department of Energy as required under section 152 of the Atomic Energy Act of 1954, 42 USC §2182.

Applicant is hereby given a period of **THIRTY DAYS** from the mailing date of this letter to file the required statement under 42 USC §2182. Failure to submit the required statement within the thirty day period will result in **ABANDONMENT** of the application. The thirty day period is fixed by §2182 of the Act and cannot be extended. Thus, no extension of this period may be obtained under either 37 CFR §1.136(a) or (b).

[Signature]
Joanne P. Hodge
Supervisory Applications Examiner
Special Laws Administration



Please direct all written communications regarding this matter to:
The Commissioner of Patents & Trademarks
Washington, D.C. 20231
Attention: Licensing & Review
Please direct all telephone calls regarding this matter to:
Joyce Brown, 703-308-3350 (703) 306-4191

EXHIBIT B

EXPRESS MAIL NO.: EM 061 022 185 US

PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Taylor et al.

Serial No.: 09/392,500

Group Art Unit: 1635

Filed: September 9, 1999

Examiner: To Be Assigned

For: ANTIBODIES TO A TUMOR-
ASSOCIATED ANTIGEN FOR
DELIVERY OF DIAGNOSTIC AND
THERAPEUTIC AGENTS

Attorney Docket No.: 9426-019

RESPONSE TO NOTICE CONCERNING PROPERTY RIGHTSAssistant Commissioner for Patents
Washington, D.C. 20231Attn: Licensing and Review

SIR:

In response to the Notice mailed December 13, 1999 (copy attached), enclosed is an executed "Property Rights Statement Under 42 U.S.C. § 2182" from the named co-inventors verifying that no funds of the Department of Energy were used in the making of this invention. It is respectfully requested that the prosecution of this application now proceed.

No fee is believed due with this submission. Should any fee be required, authorization is hereby provided to charge the amount due to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

Respectfully submitted,

Date: January 26, 1999

Geraldine F. Baldwin 31.232
Geraldine F. Baldwin (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036
(212) 790-9090


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
02,392,306-1	09/03/99	RAYLON	103306-019

 RECEIVED
 PERMIT AND SUBSIDIES
 1155 AVENUE D THE AMERICANS
 NEW YORK NY 10036-0711

REFERRED TO REC'D DEC 20 1999 Pennie & Edmonds O.K. for filing	DATE MAILED: 12/13/99
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EXAMINER	
ART UNIT	PAPER NUMBER
1033	4

Response - Dept. of Energy (45 days - Nov. 1) 1/27/00 wt

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example must appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE. A formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period of response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (800) 595-3312.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**



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Indexing Officer: JPARKER - JOYCE PARKER
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Dossier: 09392500

Legal Date: 09-11-2000

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Total number of pages: 1

Remarks:

Order of re-scan issued on